

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Interconnection and Resale Obligations
Pertaining to
Commercial Mobile Radio Services

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CC Docket No. 94-54

TO: The Commission

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**REPLY COMMENTS OF
U.S. AIRWAVES INC.**

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APPENDIX A: Interconnection and Roaming Safeguards

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U.S. AirWaves Inc. ("AirWaves"), by its attorneys, hereby submits its reply to comments regarding the Second Notice of Proposed Rule Making released April 20, 1995.^{1/} AirWaves intends to bid in the August 29, 1995 Entrepreneurs' Block auction for broadband Personal Communications Service ("PCS") licenses. AirWaves advocates adoption without delay of policies ensuring that interconnection with mutual compensation, roaming and resale are provided upon reasonable request, after good faith negotiations, where technically feasible given the extent of constructed facilities and licensed frequencies. AirWaves supports full wireless number transferability and opposes mandatory interconnection to a reseller switch.

^{1/} Notice of Proposed Rule Making, CC Docket No. 94-54, FCC 95-149 (rel. April 20, 1995) (*Second Notice*).

I. **CMRS-to-CMRS Interconnection on Reasonable, Equitable Terms Will Be More Fully Realized With Advance Commission Action**

A. **A Simple Policy Tracking Existing Commission Precedent Will Benefit the Public**

AirWaves supports the Commission in its intent to facilitate private negotiations and arrangements for interconnection.^{2/} At the same time, the Commission correctly points out that "the statutory standard for ordering interconnection under Section 201(a) [of the Communications Act] is 'the public interest,' an inquiry that is broader than an inquiry into the presence or absence of market power."^{3/} The public interest in rapid and smooth deployment of new technologies favors firm and specific advance elaboration for CMRS providers of their obligations under Sections 201 and 202 of the Communications Act, 47 U.S.C. §§ 201, 202, either by setting policies or adopting a brief regulatory framework similar to the interconnection rules that affirm LEC-cellular and LEC-CMRS obligations.

AirWaves recommends that the Commission conclude its interconnection rulemaking by making a public interest determination that Section 201 requires any CMRS provider to enter into good faith negotiations regarding interconnection upon reasonable request, and that the terms and conditions of such arrangements shall be reasonable, fair and equitable. These requirements flow naturally from Sections 201 and 202 of the Act.^{4/} These guidelines will ensure that negotiations among CMRS providers are conducted in good faith, advancing the

^{2/} See *Second Notice*, ¶ 28.

^{3/} *Id.*, ¶ 42.

^{4/} *Accord, Declaratory Ruling*, In the Matter of the Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carriers, 2 FCC Rcd 2910, 2912 ¶¶ 21-22 (1987) (*Declaratory Ruling*), *aff'd* Memorandum Opinion and Order on Reconsideration, 4 FCC Rcd 2369 (1989) (collectively, the *LEC/Cellular Interconnection Rulings*).

public interest by lowering costs for licensees and customers and increasing connectivity and infrastructure investment. The Commission would facilitate development of PCS networks and avoid repeated, time-consuming complaint investigations by simply affirming the applicability of such standards in this context. AirWaves has included for reference a potential rule section, based upon Section 20.11 of the Commission's Rules, 47 C.F.R. § 20.11. See Appendix A, infra.

The technical feasibility demonstration outlined in proposed rule section 20.17, see Appendix A, infra, permits a CMRS carrier to avoid allowing a reseller or other CMRS provider seeking interconnection to take over all, or a substantial portion of, the capacity of a new wireless system as it is built. AirWaves recommends use of a sliding scale to assess when new wireless carriers' networks would become available for interconnection or resale opportunities by others. This analysis would balance the percentage of the network built and operational and capacity considerations.^{5/} The balancing approach would prevent a large reseller or other recipient of roaming capacity from taking over predominant use of infrastructure either throughout the network or on a cluster of cell sites. The Commission has in the past avoided the lengthy, repetitive and burdensome post hoc Section 208 complaint process by mandating in advance that carriers exercise good faith and exchange mutual compensation in entering interconnection arrangements.^{6/} Based upon its position as both a potential reseller of capacity and as a potential recipient of customer carriage on other

^{5/} AirWaves recognizes that further elaboration of the technical merits of this approach could be desirable. AirWaves stands ready to propose options, either as *ex parte* presentations or as supplemental reply comments, at the Commission's request.

^{6/} *See, e.g., Declaratory Ruling*, 2 FCC Rcd at 2911-12 ¶¶ 7-8, 21.

providers' networks, AirWaves believes that the recommended rule or policy framework will equitably fulfill the interests of providers and customers on both sides of an interconnection arrangement.

B. CMRS-to-CMRS Interconnection is in the Public Interest

AirWaves shares the concern expressed by American Personal Communications ("APC") that the considerable difference in market share between new CMRS companies and existing CMRS providers and LECs will have a major impact on the conduct and final result of negotiations over interconnection arrangements.^{7/} New PCS providers will have zero customers as they conduct their initial negotiations to obtain interconnection with other carriers. This considerable difference in market share can have a major impact on the negotiations and final results. Interconnection arrangements on reasonable and equitable terms are necessary not only for termination of calls on the networks of other CMRS providers but also as an aspect of roaming and resale agreements.

As the Commission recognized in its resale discussion, existing CMRS providers "may have incentives to refuse to enter into resale arrangements with competing carriers."^{8/} The same competitive incentives could also deter CMRS carriers from entering into interconnection agreements. While PCS networks are in their infancy, an established CMRS provider has no reason to assist its competitors by providing reasonable interconnection while

^{7/} See APC Comments at 3-4.

^{8/} *Id.*, ¶ 86.

the PCS provider has few facilities sufficiently constructed to support return traffic from the CMRS system.

Interconnection through wireline local exchange carrier ("LEC") facilities, in the alternative, could subject the PCS carrier to duplicative charges which could be avoided in large measure by direct CMRS-to-CMRS interconnection. No logic could justify requiring a hypothetical PCS carrier A to not only pay the LEC for access to the wireline network but also for obtaining access to CMRS carrier B's network when carrier A could instead compensate carrier B alone. Instead, the Commission should require mutual compensation for termination of traffic on each other's facilities, and specify as a matter of policy that terms and conditions of interconnection agreements must be fair and equitable.^{9/} Carrier A could then be assured of reasonable terms if it enters an interconnection agreement with carrier B.^{10/} Interconnection among CMRS providers will ensure efficient traffic flow, will lower costs for new PCS providers and their customers by avoiding redundant access payments, will avoid overburdening the switched wireline network, and thus is "important to the economic viability of CMRS providers" and vital to "facilitating access to the Nation's telecommunications networks."^{11/}

^{9/} *Accord*, APC Comments at 5 (encouraging the Commission to promote both competition and the goal of interconnection and a "network of networks" by mandating that all interconnection agreements include a term providing for mutual and reciprocal compensation between interconnecting carriers).

^{10/} *Accord*, APC Comments at 3 ("[t]his three-way [A-LEC-B] transaction, without Commission intervention, is likely to be artificially more expensive" for carrier A and its customers).

^{11/} *See Second Notice*, ¶ 32.

C. **Market Share Analysis is Unnecessary in this Context**

As Pacific Bell and MCI, among others, correctly noted in their Comments on the Interconnection NOI, the Communications Act requires any common carrier, presumptively including CMRS providers, to interconnect with any other common carrier upon reasonable request.^{12/} MCI pointed out that Section 201 of the Act and Commission precedent do not dictate that interconnection obligations shall be premised upon a connecting carrier's possession of bottleneck facilities.^{13/} Nor is market power analysis necessary to determine whether to adopt interconnection requirements.^{14/} Rather than asking whether a particular CMRS carrier exercises market power, AirWaves respectfully urges the Commission to ask, as it has in the past, whether new service providers seeking interconnection are likely to encounter refusals to enter negotiations, imposition of excess charges, delays in provision of interconnection services, imposition of unreasonable technical restrictions, and unjustifiably high rates.^{15/} If, as AirWaves believes, this is true, the Commission should rely once again on Sections 201 and 202 of the Act to "requir[e] common carriers to negotiate the provision

^{12/} See *Second Notice*, ¶¶ 22-23.

^{13/} See *id.*, ¶ 23, citing MCI Telecommunications Corporation ("MCI") Comments at 12.

^{14/} AirWaves agrees with APC, however, for the reasons stated in its comments, that considerable differences will exist in market shares among CMRS firms as the PCS industry is launched. See APC Comments at 3-4. Moreover, this five to ten year period is critical to obtaining and retaining CMRS market share.

^{15/} See *Declaratory Ruling*, *supra* note 4, 2 FCC Rcd at 2911 ¶ 7.

of their services in good faith" and to mandate that interconnection negotiations must be conducted in good faith with mutual compensation for call termination.^{16/}

Regardless of market power, in a competitive environment, a competitor can have natural incentives to delay negotiations, require unreasonable rates, delay provision of interconnection, and engage in other conduct that might be deemed anticompetitive unless required to act otherwise. The nature of competition includes the drive to surpass one's competitors. If a carrier's competitor does not possess constructed and operational facilities, the carrier can obtain a competitive advantage by delaying and denying access to the system commodity. Thus, any seeker of interconnection can face the same stone wall it would reach if a single player dominating the industry denied others interconnection. AirWaves believes that a requirement of fair negotiations and mutual compensation will not burden CMRS providers and will ultimately benefit all market participants and wireless service customers.

^{16/} See *id.*, 2 FCC Rcd at 2912 ¶ 21; see also Memorandum Opinion and Order on Reconsideration, CC Docket No. 79-318, 89 FCC 2d 58, 72, 81 (LEC/cellular interconnection requirement based upon need for access to the local exchange facilities and also as "safeguards to minimize any potentially anticompetitive effects stemming from the separate [*i.e.*, separated by delay] allocation") (1982); *aff'd*, Memorandum Opinion and Order on Further Reconsideration, CC Docket No. 79-318, 90 FCC 2d 571, 577 ¶ 16 (1982).

II. State Preemption

AirWaves agrees with AirTouch Communications that preemption of state interconnection regulation is necessary to effectuate the Commission's goal of a "national regulatory policy for CMRS, not a policy that is balkanized state-by-state."^{17/}

Congress expressly amended Section 2(b) of the Communications Act to exclude Section 332, which includes the requirement that a carrier furnish interconnection upon reasonable request, from prohibitions on the Commission's jurisdiction over intrastate matters.^{18/} Thus, the Commission may premise its authority to preempt state interconnection regulation upon its broad authority to regulate CMRS in the public interest.

Nonetheless, many commenters continue to mention that the Louisiana PSC doctrine^{19/} would favor preemption in this situation. Under the Louisiana PSC analysis, Federal courts have held that state regulation of an intrastate service that affects interstate service may be preempted where the state regulation thwarts or impedes a valid Federal

^{17/} See AirTouch Communications, Inc. ("AirTouch") Comments at 26, *citing* Report and Order, PR Docket No. 94-105, FCC 95-195, ¶ 20 (rel. May 19, 1995) (*Rate Regulation Report and Order -- California*); *see also, e.g.*, Report and Order, PR Docket No. 94-108, FCC 95-192 (rel. May 19, 1995).

^{18/} See Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI, § 6002(b)(2)(B)(i), *as codified at* 47 U.S.C. § 152(b).

^{19/} A thorough discussion of the doctrine derived from *Louisiana Public Service Commission v. FCC*, 106 S.Ct. 1890 (1986), is contained in the *Rate Regulation Report and Order -- California*, n.16.

policy.^{20/} Although the Louisiana analysis is unnecessary here for the reasons described above, AirWaves agrees that such an analysis would favor preemption in this context.

State regulation of CMRS interconnection is fundamentally inconsistent with a goal of seamless national wireless infrastructure.^{21/} AirWaves' goal is to build and operate a nationwide PCS network offering seamless, interoperable wireless services to its customers. A patchwork of regulations across the 50 states would create complexities in achieving the goals of the Commission and service providers alike, ultimately resulting in higher prices for customers.

The digital wireless technology AirWaves plans to deploy will handle interstate and intrastate traffic together. As AT&T comments, separation of the interstate and intrastate elements of interconnection is virtually impossible.^{22/} Indeed, when promulgating its federal policies for cellular-to-LEC interconnection arrangements, the Commission found that "it would not be feasible to require one set of trunk lines and equipment for intrastate calls and another for interstate calls," and that "the conduct of interconnection negotiations cannot

^{20/} See *Rate Regulation Report and Order -- California*, *supra* n.16, *citing* *California v. FCC*, 903 F.2d 1217 (9th Cir. 1990); *Illinois Bell Tel. v. FCC*, 883 F.2d 104 (D.C. Cir. 1989); *National Ass'n of Reg. Util. Comm'ners v. FCC*, 880 F.2d 422 (D.C. Cir. 1989).

^{21/} See *id.* at 24-26; *accord*, e.g., Comments of AT&T Corp. ("AT&T") at 21-23; Bell Atlantic Mobile Systems, Inc. ("BAMS") at 6-9; the Cellular Telecommunications Industry Association ("CTIA") at 16-19; GTE at 11-12; New Par at 17-19; Nextel Communications Inc. ("Nextel") at 4; the Personal Communications Industry Association ("PCIA") at 7; SNET Cellular, Inc. ("SNET") at 11; Southwestern Bell Mobile Systems, Inc. ("SBMS" or "Southwestern Bell") at 11-13; Vanguard Cellular Systems, Inc. ("Vanguard") at 6-7.

^{22/} See AT&T Comments at 21.

be separated into interstate and intrastate components."^{23/} To the extent that they contravene federal requirements, therefore, state interconnection requirements will thwart or impede the uniform federal policy that the Commission intends to adopt in this docket for CMRS-to-CMRS interconnection. Consequently, federal preemption is warranted under the Louisiana PSC doctrine.

III. Roaming Arrangements

AirWaves agrees with the majority of commenters and with the Commission's tentative conclusions that the public interest favors marketplace determinations of the types and prices of roaming agreements between CMRS providers.^{24/} The public interest would not be met, however, by allowing currently operating CMRS providers to treat new PCS carriers as captive customers.

AirWaves will be seeking to enter into roaming agreements with both existing cellular carriers and new PCS carriers to meet customers' coverage expectations. Roaming agreements will provide PCS customers with the flexibility they need to use their wireless telephones whenever and wherever they desire. In order to provide wide area networks sufficient to compete with the systems that existing cellular carriers have had ten years to construct, PCS carriers need the flexibility to establish roaming agreements with current cellular carriers and new PCS carriers.

^{23/} See *Declaratory Ruling*, 2 FCC Rcd at 2912 ¶¶ 17, 21.

^{24/} See, e.g., Comments of AirTouch at 10-11, AllTel Mobile Communications, Inc. ("AllTel") at 3; AMTA at 6-7; Ameritech at 5-6; AT&T at 4, 23; BAMS at 8; CTIA at 19-22; Frontier Cellular Holdings, Inc. at 2, 5-6; GTE at 12-13; New Par at 21; Nextel at 5-7=8; NYNEX at 7; Vanguard at 8-9; Western Wireless Corporation at 6.

AirWaves agrees with APC and Pacific Telesis/Pacific Bell Mobile Services that roaming services must be arranged pursuant to the Communications Act requirements of nondiscriminatory access to common carrier systems.^{25/} Such arrangements must be cooperative and produce equitable results. The Commission should ensure that all CMRS carriers are obliged to provide roaming to PCS customers just as cellular providers must currently provide cellular service to cellular subscribers including roamers.^{26/} Mandatory acceptance of roamers, where technically feasible, will effectuate the Commission's goal of rapid development and deployment of a seamless nationwide communications network. As General Communication, Inc. ("GCI") comments, "Roaming must be mandated. The Commission must take the necessary steps to ensure that roaming works for all CMRS providers and their customers."^{27/} The Commission should not countenance hostage-taking by CMRS carriers likely to institute lengthy roaming negotiations. Especially in the early stages of operation, PCS carriers will need roaming arrangements while they construct wide area personal communications infrastructure. AirWaves therefore respectfully urges the Commission to set forth policy guidelines or adopt a rule provision such as the proposed subsection 20.17(d) set forth in Appendix A to achieve this result.

^{25/} See APC Comments at 8; Pacific Telesis/Pacific Bell Mobile Services ("PT/PBMS") Comments at 3, 6.

^{26/} See 47 C.F.R. § 22.901, *reprinted at* 59 Fed. Reg. 59560 (Nov. 17, 1994).

^{27/} GCI Comments at 5.

IV. Resale Obligations

AirWaves supports the Commission's conclusions that imposing a resale obligation on most CMRS providers will serve the public interest, result in additional competition, and assist in "jump-starting" the entry of personal communications services into the CMRS marketplace.^{28/} AirWaves joins APC, however, in urging the Commission to impose resale requirements on PCS providers only after completion of an initial start-up period of at minimum 12 months after operations commence in a given area.^{29/}

AirWaves firmly supports a requirement that current CMRS carriers provide resale opportunities to new CMRS companies. During the launch phase of AirWaves' planned digital PCS system, it will be critical to maintain complete control of the network to ensure system quality. At this early stage, it would be exceedingly difficult to open the network to resale requests while maintaining system integrity, "de-bugging" the system and responding to the needs of an entire system laden with new PCS consumers unaccustomed to mobile service. Resale requirements after the start-up period should include a sliding scale approach to technical feasibility, akin to that suggested above for interconnection arrangements in general. This analysis would balance the percentage of the network built and operational, and capacity considerations. This balancing approach would prevent a large reseller from taking over predominant use of infrastructure and then when its own network is complete simply migrating the customers to its system.

^{28/} See *Second Notice*, ¶¶ 84, 86, 88.

^{29/} See APC Comments at 9-11.

AirWaves agrees with PCS PRIMECO, among others, that the resale requirement should not mandate that CMRS carriers provide resale capacity to licensees with fully operational facilities in the area where the customer is located.^{30/} A new entrant should be able to use resale temporarily in its licensed service area, as a means to enter a market quickly while constructing its own system, but as the Commission determined in its cellular resale proceedings, it is unreasonable to require resale after that build-out period.^{31/}

V. Number Transferability

AirWaves supports inclusion of number transferability^{32/} requirements as a part of the Commission's CMRS resale policy. Number transferability is key to simplicity for service customers. Transferability permits a customer to change carriers transparently, thus allowing the subscriber to simply move among CMRS carriers as its needs change. Today, when two wireless carriers are dominant, changing between the two may not be a problem for customers. When the competitive marketplace includes five or six more choices,

^{30/} See PCS PRIMECO, L.P. Comments at 10; *see also, e.g.*, Southwestern Bell Mobile Systems ("Southwestern Bell") Comments at 18-20.

^{31/} See Report and Order, Petitions for Rule Making Concerning Proposed Changes to the Commission's Cellular Resale Policies, CC Docket No. 91-33, 7 FCC Rcd 4006, 4009, 4011 (adopting requirement that a cellular licensee shall permit unrestricted resale of its service except to its competitor in the same market after the five-year fill-in period).

^{32/} Number transferability is defined by the FCC as the ability of a CMRS reseller either to migrate its customers' numbers to its completed system or to move its block of numbers to other facilities-based providers in the event that the reseller is able to negotiate a better wholesale rate from another provider. See *Second Notice*, ¶ 94.

however, customers will notice difficulty in changing carriers unless the Commission acts expeditiously.

In addition, AirWaves supports the Commission in its prompt establishment of a docket addressing number portability and the equitable distribution of numbers for the subscribers of commercial mobile services.^{33/} AirWaves encourages the Commission to follow a course of rapid action in that proceeding to avoid competitive harm to new entrants.

As Time Warner Telecommunications points out, a carrier's control over numbers permits it to create a bottleneck. Most customers will not change CMRS providers if they must change telephone numbers.^{34/} The Sprint Telecommunications Venture also notes that the lack of true number portability is one of the greatest market entry barriers that LECs raise in forestalling the advent of true local exchange competition.^{35/} In order to permit consumer choice of new mobile services, number transferability is clearly in the public interest.

^{33/} See News, Commission Seeks Comment on Telephone Number Portability, Report No. DC 95-284, CC Docket No. 95-116, RM-8535 (rel. July 13, 1995) (announcing adoption of Notice of Proposed Rule Making wherein the Commission tentatively concludes that number portability "benefits consumers and will contribute to the development of competition").

^{34/} See Time Warner Telecommunications ("Time Warner") Comments at 18. Reporting a new mobile telephone number to all of a customer's personal and business contacts, for example, would be an onerous task.

^{35/} Sprint Telecommunications Venture ("Sprint") Comments at 21.

VI. Reseller Switch Proposal

In the Further Notice, the Commission requested comment on a proposal by NCRA and CSI/Comtech that the Commission require cellular providers to allow cellular resellers to install their own switching equipment between the cellular network's mobile telephone switching office ("MTSO") and the facilities of the LEC and the interexchange carrier ("IXC").^{36/} AirWaves agrees with the conclusions of the Commission and the majority of commenters that the reseller switch proposal espoused by NCRA and Comtech/CSI in this proceeding should not be imposed generally upon CMRS providers at this time.^{37/} The Commission correctly notes that such a proposal could impose costs on the Commission, the industry, and consumers. Lengthy, involved rulemakings and the hiring of numerous accountants by private industry would be required to even begin determining that the requisite cost allocation is an impossible burden to bear. As APC points out, unbundling service elements to effectuate the reseller switch proposal would markedly interfere with the efficient handling of a CMRS communication.^{38/}

VII. Conclusion

In order to avoid numerous complaint proceedings, AirWaves urges the Commission to rapidly adopt policy guidelines affirming that good faith interconnection negotiations and

^{36/} See *Second Notice*, ¶ 78, citing NCRA Comments at 2, 20; CSI/ComTech Comments at 3-4.

^{37/} See *Second Notice*, ¶ 95; see also, e.g., Comments of AirTouch at 19-23; AllTel at 4; APC at 11-12; AT&T Corp. at 5, 28; BAMS at 12; CTIA at 27-33; PT/PBMS at 10-11; PageNet at 13-15; PCS PRIMECO, L.P. at 11-13; Sprint at 11-12.

^{38/} See APC Comments at 11-12.

mutual compensation, roaming support and resale are required of any common carrier, including CMRS licensees, upon reasonable request, where technically feasible. AirWaves advocates a sliding scale approach to effectuate several commenters' requests regarding technical feasibility. This scale would determine availability of a new wireless carrier's network for interconnected services, examining the percentage of the network constructed and operational and capacity considerations. AirWaves also favors number transferability to introduce transparent customer selection of carrier into the wireless arena. Finally, AirWaves joins the majority of commenters in opposing mandatory interconnection with a reseller switch.

Respectfully submitted,

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APPENDIX A

INTERCONNECTION AND ROAMING SAFEGUARDS

§ 20.17 Interconnection to facilities of commercial mobile radio service licensees.

(a) A commercial mobile radio service provider, if providing common carrier service, must provide the type of interconnection reasonably requested by another commercial mobile radio service provider, within a reasonable time after the request, unless such interconnection is not technically feasible. Complaints against carriers under section 208 of the Communications Act, 47 U.S.C. 208, alleging a violation of this section shall follow the requirements of §§ 1.711-1.734 of this chapter, 47 CFR 1.711-1.734.

(b) For purposes of subsections (a) and (d) of this section, technical feasibility demonstrations may include showings regarding the extent to which facilities are constructed and placed in operation on sufficient frequencies to meet the request for interconnection.

(c) Commercial mobile radio service providers shall negotiate in good faith and shall comply with principles of mutual compensation.

- (1) A commercial mobile radio service provider required to provide interconnection pursuant to subsection (a) shall pay fair, reasonable and equitable compensation to the requesting commercial mobile radio service provider in connection with terminating traffic that originates on facilities of the first-referenced commercial mobile radio service provider.
- (2) The requesting commercial mobile radio service provider shall pay fair, reasonable and equitable compensation to the first-referenced commercial mobile radio service provider in connection with terminating traffic that originates on facilities of the requesting commercial mobile radio service provider.

(d) Commercial mobile radio service licensees must provide commercial mobile radio service upon reasonable request to all subscribers in good standing, including roamers, of the services of any commercial mobile radio service licensee, while such subscribers are located within any portion of the licensee's authorized commercial mobile radio service area where facilities have been constructed and service to subscribers has commenced, unless such provision of service is not technically feasible. A commercial mobile radio service licensee may refuse or terminate service, however, subject to any applicable state or local requirements for timely notification, to any subscriber who operates a cellular telephone in an airborne aircraft in violation of § 22.925 or otherwise fails to cooperate with the licensee in exercising operational control over mobile stations pursuant to Parts 20, 22, 24, 80 or 90 of this subchapter.

CERTIFICATE OF SERVICE

I, Bridget Y. Monroe, a secretary with the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that on this 14th day of July, 1995, a copy of the foregoing document was delivered by messenger to the following persons:

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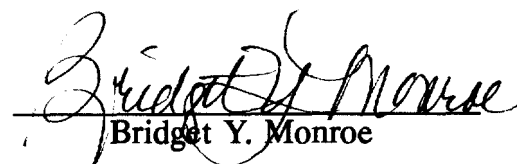
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